

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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W.P.No.36436 of 1998

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Dated 17th day of April, 2007

Between:

Kurugundla Ramesh
and twelve others
Petitioners

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And

The District Collector, Nellore,
Nellore District
and three others
Respondents

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ORDER:

This writ petition is filed seeking a mandamus to declare the action of the respondents in trying to evict the petitioners from the lands in various survey numbers situated in Edulakandriga village and proposing to assign them to third parties, as arbitrary and illegal, and consequently direct the respondents not to interfere with their peaceful possession and enjoyment of the lands.

The brief facts of the case are that the land of an extent of Ac.274.29 cents covered by S.No.1 situated in Edulakandriga village was declared as Anandeenam by the Special Deputy Tahsildar (Inams), Gudur under the provisions of Inam Abolition Act and the same was published in Nellore District Gazette dated 2.4.1973. The Special Deputy Tahsildar (Inams), Nellore after conducting enquiry, granted ryotwari pattas under Section 4 of Andhra Inams (Abolition and Conversion into Ryotwari) Act, 1956 in favour of the persons, who were in occupation of the land covered by S.No.1 in the year 1983. Thereafter, the patta holders filed applications before the respondents for implementation of the orders of the Special Deputy Tahsildar (Inams) in the village accounts. On the directions issued by the 1st respondent, the 4th respondent divided S.No.1 into several subdivisions and assigned new survey numbers from 46 to 73 and implemented the orders of the Special Deputy Tahsildar (Inams) in revenue records by showing the names of grantees as pattadars of their respective shares. The petitioners purchased the lands in question covered by S.No.D-53 to 60 from the original pattadars under registered sale deeds during the years 1996 and 1998. The 4th

respondent issued pattadar passbooks and title deeds in favour of the petitioners and since then they have been in possession and enjoyment of the lands in question and paying cist to the Government. Now, their grievance is that the respondents are trying to evict them from the lands in question and assign them to third parties.

A counter affidavit is filed wherein it is stated that the petitioners sold away the lands in question to various persons vide registered sale deeds and the purchasers from them are in possession of those lands. The Commissioner of Appeals, after initiating enquiry under Section 14-A of the Act, issued notice, dated 28.11.2005 to the vendees, who are in possession of the land, and the vendees, challenging the notice, filed W.P.No.10623 of 2006, which is pending.

Heard the learned counsel for both the parties.

Having regard to the fact that the petitioners are not in possession of the lands and the subsequent purchasers have filed W.P.No.10623 of 2006 and the same is pending in this Court, this Court is of the view that this writ petition has become infructuous and deserves to be dismissed.

Hence, the writ petition is dismissed. No costs.

bcj

17.04.2007